

REMARKS

Applicant respectfully requests reconsideration. Claims 68-75 and 116-120 were previously pending in this application. No amendments are made by this response. No new matter is added.

Rejections Under 35 U.S.C. §102 and 35 U.S.C. §103

Claims 68-69, 71-75, 116, and 119-120 stand rejected under 35 U.S.C. §102 as being anticipated by Schweizer (US 3,842,840). Claims 117-118 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweizer.

Independent Claim 68

Independent claim 68 recites a suture wire supply cartridge for a suturing instrument having a drive mechanism. The cartridge includes, among other things an elongated suture wire guide defining a guide pathway for delivering suture wire from the cartridge. The guide pathway has a proximal portion that includes drive openings and a distal portion that includes a tube with a delivery opening.

The Office Action states that Schweizer includes drive openings defined by outlet ports of needle 62, through suture wire guide support 26/41. Applicant respectfully points out though that these features, as identified by reference characters 26 and 41, and the “drive openings” as shown in the annotated figure in the Office Action, are not part of the cartridge in Schweizer. For at least this reason, Schweizer fails to teach or disclose a delivery opening, as recited in claim 68, such that the rejection is improper.

The Office Action also ignores the fact that claim 68 recites suture wire is drawn from the holder and is pushed forward of the drive openings along the guide pathway through the tube and through the delivery opening. The interpretation set forth in the Office Action appears to have suture wire moving toward structure associated with the holder, as claimed.

The rejection of independent claim 68 is believed to be overcome for at least the above reasons. Each of the claims depending from claim 68 are patentable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

Independent Claim 73

Independent claim 68 recites a suture wire supply cartridge for a suturing instrument. The cartridge includes a guide tube support connected between a housing and a guide tube.

The Office Action does not appear to state any structure of Schweizer that corresponds to a guide tube support that connects a housing a guide tube, as recited by claim 73

The rejection of independent claim 73 is believed to be overcome for at least the above reasons. Each of the claims depending from claim 73 are patentable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. D0188.70162US01.

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Respectfully submitted,

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